

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

MIKE CHILINSKI,

Petitioner,

vs.

STATE OF MONTANA, TIM FOX,
ATTORNEY GENERAL OF THE
STATE OF MONTANA,

Respondents.

CV 18-41-H-BMM-JTJ

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS**

Pro se Petitioner Mike Chilinski applied for a writ of habeas corpus under 28 U.S.C. § 2254. (Doc. 1.) Chilinski requests that the Court dismiss his Montana state court convictions or, in the alternative, order a new trial in Montana State District Court omitting certain evidence. (Doc. 8 at 7.)

Judge Johnston issued Findings and Recommendations on August 6, 2019. (Doc. 9.) Judge Johnston recommends that the Court deny Chilinski's Amended Petition (Doc. 8). (Doc. 9 at 17.) Chilinski filed a 70-page objection to Judge Johnston's Findings and Recommendations on September 27, 2019. (Doc. 12.)

The Court reviews de novo those Findings and Recommendations to which a party timely objected. 28 U.S.C. § 636(b)(1). The Court reviews for clear error the portions of the Findings and Recommendations to which the party did not specifically object. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Where a party's objections constitute perfunctory responses argued in an attempt to engage the district court in a reargument of the same arguments set forth in the original response, however, the Court will review the applicable portions of the findings and recommendations for clear error. *Rosling v. Kirkegard*, 2014 WL 693315 *3 (D. Mont. Feb. 21, 2014) (internal citations omitted).

Chilinski's objections advance the same arguments that he raised before. The Court will not engage in Chilinski's attempt to reargue the same issues. The Court reviewed Judge Johnston's Findings and Recommendations for clear error. The Court finds no error.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 9) are **ADOPTED IN FULL**.

IT IS FURTHER ORDERED that Chilinski's Amended Petition (Doc. 8) is **DENIED**.

The Clerk of Court is directed to enter judgment in favor of Respondents and against Petitioner.

A certificate of appealability is **DENIED**. The Clerk of Court shall immediately process the appeal if Chilinski files a Notice of Appeal.

DATED this 8th day of November, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge